REMARKS

Claims 1-11, 15-18 and 20 are the claims pending in the application. Applicant acknowledges the acceptance of the election of claims 1-11, 15-18 and 20, and thus has canceled claims 12-14 and 19 without prejudice or disclaimer. Applicant gratefully acknowledges the Examiner's allowance of claims 2-4 and 6-11 but elects not to rewrite the claims in independent form at this time.

Applicant further acknowledges the Examiner's request to submit another IDS and the form PTO-1449 and will do so under separate cover. Applicant, as indicated above, has amended the claims consistent with the Examiner's comments in response to the 35 U.S.C. Section 112, first paragraph and second paragraph rejections. Claims 1, 5, 15, 17, 20, and related claims stand rejected on prior art grounds. Applicant respectfully traverse the prior art rejections based on the following discussion.

I. The 35 U.S.C. Section 112, First Paragraph and Second Paragraph Rejections

In response to the Examiner's comments, Applicant, as indicated above, has amended claim 1-11, 15-18 and 20 consistent with the comments. Please note, "blast resistant and fragmentation inhibiting material" and "blast resistant and fragmentation inhibiting shield" have been modified to "a 'second material' or 'a layer of second material' substantially adjacent the electrically conductive material for greater protection between the energetic initiator section and the energetic material section" consistent with the specification. This amendment should eliminate any written description or indefiniteness concerns. (See Application, Page 5, lines 1-9; and Page 6, lines 13-20).

In addition, consistent with the Examiner's recommendations, Applicant has amended "conductive material" to "electrically conductive material," consistent with the specification.

In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the rejections.

II. The Prior Art Rejections

Claim 1 and 20 is rejected under 35 U.S.C. Section 102(b) as anticipated by Leyland ("Leyland") (U.S. Patent No. 5,136,119). Claims 5, 15 and 17 are rejected under 35 U.S.C. Section 103(a) as being unpatentable over Leyland.

A. The Rejection Based on Leyland

Regarding claim 1 and 20, Leyland fails to disclose, teach or suggest the features of independent claim 1 and 20, and related dependent claims 2-11 and 15-18, including the back panel is internally situated within the pack. (See Page 5, lines 13-16; Page 6, lines 13-16; and Figures 1, 3 and 5).

Indeed, Figure 1 as well as Figures 2-5b of Leyland merely teach a conventional lightweight portable electromagnetic interference ("EMI") shielding container. This structure is simply a faraday cage designed to allow relatively unshielded commercial equipment to operate in environments of high EMI. The faraday cage is a box, "preferably a cube" shape, including "preferably square sides 10, 12, 14, 16 18 and 20" where all sides must shield against electric fields. Accordingly, Applicant respectfully submits that the Office Action mischaracterizes the Leyland invention as including a first

section and a second section, let alone, a back panel between a first section and a second section. (See Office Action, Page 7, Section 17; Leyland, Column 1, lines 5-15; line 59-Column 2, line 5; Column 2, lines 20-43; Column 3, lines 18-55; and Figures 1-5b).

To the contrary, the faraday cage structure is more structurally and functionally equivalent to a box with six sides 10, 12, 14, 16, 18 and 20, which form a single area, for holding an electrical instrument 25 not two sections, that is, a section "1" and a section "2," and a back panel as suggested. Indeed, Velcro seat areas, 51, 53, 57, and 59, are situated along the edges of sides 10, 12 and 14, which complement, for attachment, respectively, side 18 and flaps 50, 52 as well as side 20 and flaps 56, 58. Accordingly, Leyland only discloses a plurality of sides 10, 12, 18 and 20 of a box attached by flaps 50,52, 56 and 58 to Velcro seat areas 51, 53, 57 and 59 without any sections 1 and 2 (what the Office Action attempts to analogize to Applicant's energetic initiator section and energetic material section), let alone, a back panel internally situated within the pack as claimed by Applicant. Thus, the back panel is internally situated between an energetic initiator section and an energetic material section.

For emphasis, as indicated above, sides 10, 12 are simply external sides substantially perpendicular to sides 18, 20 not a back panel as suggested, let alone an internal back panel as claimed by Applicant.

Therefore, Applicant's invention is structurally distinct from the conventional Leyland structure. Thus, Leyland does not disclose, teach or suggest including the back panel is internally situated within the pack. (See above).

In contrast, as discussed in the previous Office Action of March 14, 2005, Applicant discloses a pack to carry, safely, energetic materials and energetic initiators,

including an energetic material section 102, an energetic initiator section 104, and a back panel 112 between the energetic material section 102 and the energetic initiator section 104. In particular, the energetic initiator section 104 is surrounded by a fabric 110, which includes at least one layer of an electrically conductive material. The fabric 110 on the back panel, which is between the energetic material section 102 and the energetic initiator section 104, also includes at least one layer of blast resistant and fragmentation inhibiting material (for example, referred in the claims as a "second material"). The blast resistant and fragmentation inhibiting material of the back panel is intermediate the electrically conductive material and the energetic initiator section. Accordingly, the blast resistant and fragmentation inhibiting material, that is, the second material, is substantially adjacent to the electrically conductive material. Therefore, the back panel 112 is internally situated within the pack 100. (See Application, Page 5, line 10-page 6, line 20; and Figures 1, 3, and 5).

Please note, the second material is a protective material to contain any potential initiator fragments from impacting energetic material in the energetic material section. Thus, the back panel 112 provides enhanced safety protection between the energy initiators in the energetic initiator section 104 and the energetic materials in the energetic material section 102, and thereby allows explosive ordnance disposal technicians to carry, effectively, these components without an increase in weight of the carry bag.

For emphasis, Applicant discloses the back panel 112 is internally situated within the pack 100 between the energetic material section 102 and the energetic initiator section 104, whereas the conventional Leyland structure, as indicated above, discloses a plurality of sides 10, 12, 14, 16, 18 and 20 without any back panel, let alone, an internal

back panel. Therefore, Leyland only discloses or teaches a faraday cage, that is, a box structure, with a single compartment and sides 10, 12, 14, 16, 18 and 20 not a back panel 112 internally situated within the pack 100.

To be sure, Applicant's invention is structurally distinct from the Leyland invention as Applicant's invention is configured to provide a pack, which safely allows explosive ordnance disposal technicians to carry, safely, energy initiators and energetic materials. In contrast, the Leyland invention is a conventional faraday cage, that is a box, to allow relatively unshielded commercial equipment to operate in environments of high EMI but may likely provide little if any protection should an explosive ordnance disposal technician attempted to use the Leyland faraday cage to carry energy initiators and energetic materials.

Based on the above, the Applicants traverse the assertion that Leyland discloses or teaches Applicants' invention of independent claims 1 and 20, and related dependent claims 2-11 and 15-18.

Please note, Applicant agrees with the Examiner that Leyland does not disclose or teach the blast resistant and fragmentation inhibiting material (now referred to as a "second material") is intermediate the conductive material and the energetic initiator section as recited in claim 15. However, Applicant traverses the assertion that one of ordinary skill in the art could simply arrange materials to produce the above claimed feature. Leyland is a faraday cage and does not disclose or teach using the faraday cage to contain explosive components. Thus, Leyland provides no motivation or teaching in the area of explosives, and one of ordinary skill in the faraday cage area would not have the skill to design carrying bags in the explosive technology containment area. Indeed,

the Office Action does not identify any such motivation as required by the MPEP. (See Office Action, Page 9, Section 23).

For at least the reasons outlined above, Applicants submits that Leyland, alone or in combination, does not disclose, teach or suggest, including the back panel is internally situated within the pack as recited in independent claims 1 and 20, and related dependent claims 2-11 and 15-18.

III. Formal Matters and Conclusions

In view of the foregoing, Applicants submit that claims 1-11 and 15-18 and 20, all the claims presently pending in the application, are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary.

Please charge any deficiencies and credit any overpayment to Attorney's Deposit Account Number 50-1114.

Respectfully submitted,

Dated: 9 December 2005

Fredric J. Zimmerman
Registration No. 48, 747

Office of Counsel Code OC4
Naval Surface Warfare Center
Indian Head Division
101 Strauss Ave., Bldg. D-31
Indian Head, MD 20640-5035
(301) 744-5603